

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION

MARY SHULTZ, )  
                    )  
Plaintiff,       )  
                    )  
vs.               )                  Case No. 2:12CV18 CDP  
                    )  
MICHAEL ASTRUE, )  
Commissioner of Social Security, )  
                    )  
Defendant.       )

**MEMORANDUM AND ORDER**

On June 8, 2012, the government filed a motion to alter the judgment I entered on May 30, 2012. I will grant the motion, vacate the memorandum and order and the judgment entered on May 30, 2012, and remand the case.

Plaintiff Mary Shultz is appealing a final decision of the Social Security Administration denying her application for disability insurance and supplemental security income under Titles II and XVI of the Social Security Act. Defendant has submitted a motion to remand this action to the Commissioner of Social Security for further proceedings. After careful consideration, I will grant this motion and remand this action for further proceedings.

Sentence six of 42 U.S.C. § 405(g) states that:

The court may, on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner's answer, remand the case to the Commissioner of Social Security for further action by the Commissioner of Social Security, and it may at any time order additional evidence to be taken before the Commissioner of Social Security, but only upon a showing that there is new evidence which is material and that there is good cause for the failure to incorporate such evidence into the record in a prior proceeding; and the Commissioner of Social Security shall, after the case is remanded, and after hearing such additional evidence if so ordered, modify or affirm the Commissioner's findings of fact or the Commissioner's decision, or both, and shall file with the court any such additional and modified findings of fact and decision, and, in any case in which the Commissioner has not made a decision fully favorable to the individual, a transcript of the additional record and testimony upon which the Commissioner's action in modifying or affirming was based.

Inasmuch as remand in this cause is made pursuant to sentence six of 42 U.S.C. § 405(g), the entry of final judgment at this time would be premature.

*Melkonyan v. Sullivan*, 501 U.S. 89, 102 (1991).

Accordingly,

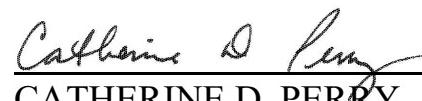
**IT IS HEREBY ORDERED** that defendant's Motion to Remand [#11] is granted, and pursuant to sentence six of 42 U.S.C. § 405(g), this cause is remanded to the Commissioner for further administrative proceedings.<sup>1</sup>

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<sup>1</sup>It is the Commissioner's duty to file with the district court the results of the proceedings upon remand. 42 U.S.C. § 405(g).

**IT IS FURTHER ORDERED** that defendant's motion to alter judgment [#14] is granted. The memorandum and order [#12] and the judgment [#13] entered on May 30, 2012 are vacated.

**IT IS FURTHER ORDERED** that the Clerk of Court shall administratively close the case, subject to reopening if needed.



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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 12th day of June, 2012.